



**CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA**



**PLAN AMENDMENT REPORT**

**Meeting Date: December 3, 2012**

Reference Name	Meadows at Southpoint (A1200002)	Jurisdiction	City
Applicant	Haden Stanziale, Robert Shunk		
Request Change in Comprehensive Plan Designation	From:	Office and Low Density Residential (4 DU/Ac. or Less)	
	To:	Commercial and Office	
Site Characteristics	Tier:	Suburban	
	Present Use:	Commercial, Single-family residential, Agriculture	
	Present Zoning:	Residential Suburban (RS-20), Rural Residential (RR), Office and Institutional (OI)	
	Overlays:	Jordan Lake Protected Area (F/J-B), Major Transportation Corridor (MTC)	
	Size:	7.12 acres (proposed Commercial) 2.05 acres (proposed Office)	
Location	Southeast quadrant of NC Highway 54 and Barbee Road		
PIN(s)	0728-03-44-3293 (partial); 0728-14-54-0087.SPL (partial); 0728-03-34-9090		
Recommendations	Staff	Approval, based on conditions warranting a request to change the adopted future land use, committed transportation improvements, and that the proposed land use pattern meets the four criteria for plan amendments found in the Unified Development Ordinance.	
	Planning Commission	Approval, October 9, 2012, 10-1, based on information provided in the staff report, the justification, information heard at the public hearing, and for meeting the criteria for plan amendments.	

**A. Summary**

The applicant, Haden Stanziale, proposes to amend the Future Land Use Map at the intersection of NC Highway 54 and Barbee Road in two ways. The proposal

would first change the future land use designation of 7.12 acres at the southeast corner from Office to Commercial. The proposal would also change a parcel (2.05 acres) with frontage onto Barbee Road from Low Density Residential (4 DU/Ac. or Less) to Office. The plan amendment is part of an associated Zoning Map Change request and development plan (Z1200001).

## **B. Site History**

The portion of the proposed amendment at the corner of NC Highway 54 and Barbee Road was designated as Office in the *Triangle Township Plan*, adopted by the City Council and Board of County Commissioners in 1993. The portion of the amendment that is proposed to change from Low Density Residential (4 DU/Ac. or Less) to Office was designated Low Density Residential (1-4 DU/Ac.) in the 1993 *Triangle Township Plan*. The portion of the site comprising the proposed change to Commercial was timbered in 2008.

## **C. Existing Site Characteristics**

The site is located at the southeast corner of NC Highway 54 and Barbee Road. The Commercial portion of the proposed plan amendment contains 7.12 acres of vacant land adjacent to an existing gas station. The Office portion of the proposed plan amendment contains 2.05 acres is currently used as a single-family residence. The site generally slopes from west to east. There are no identified streams on the subject site.

## **D. Applicant's Plan Amendment Justification**

The applicant contends that the proposed changes to the Future Land Use Map are justified because the proposed uses are more compatible with the surrounding designations, and that the proposed changes will contribute to implementation of an adopted goal, objective or policy. The applicant states that the proposed amendment is "for the purposes of redeveloping the existing gas station and the addition of an internally accessed and environmentally controlled self storage complex adjacent to the gas station." Regarding redevelopment of the gas station, the applicant states that "redeveloping this station will alleviate the traffic at this intersection that currently backs up into adjacent roads." Furthermore, the applicant states that, "There will be no significant increase on traffic or city utility demands" with the redevelopment of the gas station or the introduction of the self storage facility to this area. Please refer to Attachment 4 for the complete justification statement provided by the applicant.

**Staff Response:** The proposed change is essentially an expansion of an existing commercial use at the southeast corner of NC Highway 54 and Barbee Road, and an expansion of the Office designation surrounding that site. Staff agrees with the

contention that the gas station is well utilized and, in its current configuration, creates negative externalities for the surrounding area, such as traffic congestion. The extension of the Office designation along Barbee Road will allow for better access of office uses onto Barbee Road and serve as a transition between the commercial use at the corner and nearby residential neighborhoods. Staff concludes that the proposal is justified.

## **E. Criteria for Plan Amendments**

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

### **1. Plan Consistency**

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

#### **Land Use**

##### **a) Low Density Residential to Office**

*Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: By 2035 there will be demand for 189,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 225,000 dwelling units, meaning there is a surplus of land already designated for residential uses. Therefore, the loss of 2.05 acres of residential land does not diminish Durham's ability to provide adequate housing in the future.

*Durham Comprehensive Plan Policy 2.3.1e, Office Uses as Transition*, indicates that office space should be used to transition between commercial and residential areas.

Analysis: The proposed land use pattern maintains the desired pattern of land uses according to this policy, which uses Office as a transition between more intensive uses, such as commercial, and less intensive residential uses. Staff generally finds that an appropriate transition between uses is best achieved internal to the block (at adjoining property lines) where a landscaped buffer creates a more suitable transition between uses. The proposed amendment is consistent with this policy.

**b) Office to Commercial**

*Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

By 2035 there will be demand for 2,830 acres of office land county-wide. On the Future Land Use Map enough land is designated to accommodate 2,900 acres. Therefore, the loss of 7.12 acres does not diminish Durham's ability to provide adequate land for office uses in the future. In addition, the proposed amendment would add 7.12 acres of Commercial land to the Future Land Use Map. The Future Land Use Map currently accommodates 6,700 acres for commercial development, more than enough to meet demand in 2035.

*Durham Comprehensive Plan Policy 2.2.2e, Suburban Tier Commercial Development*, discourages auto-oriented strip commercial development, and states that commercial development should be encouraged at nodes along major transportation corridors.

Analysis: Though there is an existing commercial use at the southeast corner of NC Highway 54 and Barbee Road, none of the land at that intersection is currently designated on the Future Land Use Map as Commercial. This location

is at an intersection of two thoroughfares. The proposed change would create a commercial node in a location where commercial activity currently exists and is consistent with this policy.

*Durham Comprehensive Plan Policy 2.2.2f, Suburban Tier Spacing of Commercial Nodes*, states that in evaluating Plan Amendments, the City-County Planning Department shall consider the location of proposed commercial development, and that commercial nodes should be spaced at least on-half mile apart and clustered at thoroughfare intersections.

Analysis: The proposed commercial node is at the intersection of two thoroughfares, and is more than one-half mile from the nearest commercial node (the intersection of NC Highway 54 and Fayetteville Street). Therefore, the proposal is consistent with this policy.

*Durham Comprehensive Plan Policy 2.3.1f, Expansion of Commercial Nodes*, states that in evaluating requests for expansions to existing commercial nodes, the proposal should be integrated with the existing node.

Analysis: Though addressed primarily through a development plan and/or a site plan, the applicant has indicated that the additional land to be included in the commercial node will serve as an expansion of the existing gas station, and will therefore be integrated.

## **Transportation**

*Durham Comprehensive Plan Policy 8.1.2j, Transportation Level of Service Maintenance*, states that the Planning Department shall recommend denial for projects in which road capacity will exceed 110 percent.

Analysis: The major road impacted by the proposed change in future land use is NC Highway 54. NC Highway 54 is currently a two lane arterial that is designed to accommodate 16,500 annual average daily trips (AADT) at LOS D, and according to the most recent traffic volume count (2009) there were 17,000 AADT (103% of capacity). The applicant has committed to roadway improvements that are designed to mitigate traffic concerns associated with the commercial development. These roadway improvements, along with commitments to limit the uses on the site, result in traffic along NC Highway 54 remaining under the 110% threshold. Therefore, the plan amendment request is consistent with *Policy 8.1.2j, Transportation Level of Service Maintenance*. A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report.

### **Conservation and Environment**

*Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates*, states the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment change is estimated to generate a maximum demand for water of 7,475 gallons per day (GPD). This represents an increase of water demanded by approximately 1,815 GPD from what development with the adopted designations would allow. Durham has sufficient capacity in water supply to accommodate the proposed changes in designation.

<b>Water Supply Impacts</b>	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Committed to Date (July 2009-June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Maximum Water Demand Under Adopted Office and Low Density Residential (4 DU/Ac. or Less) <sup>1</sup>	5,660 gallons/day
Maximum Water Demand Under Proposed Commercial and Office uses <sup>2</sup>	7,475 gallons/day
Impact of Proposed Plan Amendment	<b>1,815 gallons/day</b>
Notes: MGD = Million gallons per day <sup>1</sup> Maximum water demand of the adopted Future Land Use (58,928 SF office and eight single-family homes) <sup>2</sup> Maximum water demand of the proposed Future Land Use (49,624 SF retail and 19,967 SF office)	

**Staff Conclusion:** This proposed plan amendment is consistent with policies of the *Durham Comprehensive Plan* and, therefore, this request to amend the Future Land Use Map meets criterion 3.4.7A.

### **2. Compatibility**

This site is in southern Durham County at the intersection of NC Highway 54 and Barbee Road. The area is primarily single-family residential in nature, particularly to the south, with small scale commercial uses to the north and east. The Streets of Southpoint Mall lies approximately one mile to the west.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
<b>North</b>	Vacant Commercial	Office, Low Density Residential
<b>East</b>	Vacant	Office
<b>South</b>	Single-family residential, Vacant	Office, Low Density Residential
<b>West</b>	Single-family residential, Vacant	Low Density Residential

*Existing Uses:* The proposed Commercial site currently hosts a gas station. The proposed Office parcel is currently used as single-family residential. Areas to the east of both portions are currently vacant. To the north, across NC Highway 54, is the site of a former horticulture business. Immediately west of the site are single-family homes and vacant land; about one mile further west is the Streets of Southpoint Mall commercial center. Immediately south of the site the land is vacant; further south are single-family neighborhoods.

*Future Land Use Designations:* All land immediately adjacent to the proposed site is designated either Office or Low Density Residential (4 DU/Ac. or less).

*Analysis:* The creation of the commercial node through the designation of Commercial on the Future Land Use Map would allow new commercial development to be integrated into the existing commercial establishment. The land designated as Office that surrounds the commercial site provides an appropriate transition to the single-family residential neighborhoods to the south. The expansion of the Office designation will allow such development access to Barbee Road facilitating traffic flow in and out of the site and proper buffering to the residential neighborhoods to the south that will lessen impacts.

**Staff Conclusion:** The proposed plan amendment is compatible with the current Future Land Use Map designations, though it increases intensity of development beyond what currently exists in the area. The proposed plan amendment is compatible with the adopted future land uses of the area and meets criterion 3.4.7.B.

### 3. Adverse Impacts

The site is within the Jordan Lake Protected Area (F/J-B) watershed protection overlay district and the Major Transportation Corridor (MTC) overlay district. However, there are no site specific conditions that would preclude it from

developing according to standards for environmental protection found in the Unified Development Ordinance.

Traffic impacts from the proposed change could be substantial. However, those will be dealt with through the zoning process, and the current situation on NC Highway 54 means that any development, even that consistent with the adopted Future Land Use Map, would exacerbate existing traffic issues.

**Staff Conclusion:** The proposed plan amendment would not create substantial adverse impact beyond that already allowed by the adopted Future Land Use Map in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

#### **4. Adequate Shape and Size**

The area requested for amendment is approximately 9.17 acres in total, and the two portions of proposed change are of sufficient shape and size for commercial and office development in the Suburban Tier.

**Staff Conclusion:** The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

#### **F. Notification**

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Parkwood Association
- Partners Against Crime - District 4
- Northeast Creek StreamWatch
- Friends of Durham
- Inter-Neighborhood Council
- Fairfield Community Awareness Committee
- Unity in the Community for Progress
- Fayetteville Street Planning Group

#### **G. Recommendation**

The Staff recommends approval based on conditions warranting a request to change the adopted future land use, committed transportation improvements,



and that the proposed land use pattern meets the four criteria for plan amendments found in the Unified Development Ordinance.

Planning Commission recommended approval, based on information provided in the staff report, the justification, information heard at the public hearing, and for meeting the criteria for plan amendments, 10-1, on October 9, 2012.

#### **H. Staff Contact**

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#### **I. Attachments**

Attachment 1, Proposed Change

Attachment 2, Context Map

Attachment 3, Aerial Photograph

Attachment 4, Applicant's Justification Statement

Attachment 5, Planning Commission's Written Comments

Attachment 6, Resolution